



CONSUMER
LITIGATION
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VIA ECF

September 7, 2023

Hon. Lorna G. Schofield
United States District Judge
U.S. District Court – S.D.N.Y.
500 Pearl Street
New York, NY 10007

Defendants shall file a response, not to exceed three pages, by
September 12, 2023. So Ordered.

Dated: September 8, 2023
New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: *Demetrius Coleman v. 26 Motors Corp, et al.*, No. 1:21-cv-10537-LGS.

Your Honor:

My firm is co-counsel for Plaintiff Demetrius Coleman in this matter. On March 21, 2023, we requested that the Court order Defendants to pay the required fee to instigate Plaintiff's JAMS arbitration against them. (ECF 31.) The Court ordered Defendants to respond to Plaintiff's letter by March 31, 2023 (ECF 33), which Defendants requested additional time to do because of ongoing settlement discussions. (ECF 35.) Defendants then filed a status report on April 11, 2023, explaining that because of those settlement discussions the case would either shortly settle or the Parties would mediate. (ECF 37.) Based on that submission, the Court denied Plaintiff's request to order Defendants to pay the JAMS fee (ECF 31) "without prejudice to renewal should the parties fail to reach an agreement." (ECF 38.) The Parties have failed to reach such an agreement, with Plaintiff last communicating on August 25, 2023 that he would move the Court to reopen the case if settlement discussions did not resume. Defendants did not respond to that message.

Plaintiff therefore reiterates his arguments for relief stated in his March 21, 2023 Motion, and asks that the Court grant the Motion and order Defendants to pay the JAMS arbitration-initiation fee.

Respectfully submitted,

/s/ Craig C. Marchiando
Craig C. Marchiando

Counsel for Plaintiff

cc: all counsel of record